

SENATE BILL NO. 16

INTRODUCED BY M. HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON CITED FOR A MOTOR VEHICLE VIOLATION MAY GIVE UP THE PERSON'S DRIVER'S LICENSE IN LIEU OF BAIL AND DRIVE WITH A TEMPORARY PERMIT UNTIL THE DATE OF THE PERSON'S COURT APPEARANCE; AND AMENDING SECTION 61-5-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Surrender of driver's license in lieu of bail -- temporary driving permit.

(1) When a person is issued a citation for violation of a provision of Title 61, chapter 3, 7, 8, 9, or 10, a peace officer authorized to accept bail for the violation involved may, at the request of the violator, take the violator's driver's license in lieu of bail. At the time that the driver's license is taken, the officer shall note on the back of the copy of the citation given to the cited person that the driver's license was taken in lieu of bail for the cited violation and the date on which the person is to appear in court. The notice entitles the person to temporarily operate a motor vehicle for which the driver's license is valid, with any restrictions and conditions on the driver's license, until the date of the cited person's appearance in court. If the person fails to appear and the failure is not excused by the court, the court shall send the person's driver's license to the department of justice and notify the department of the person's failure to appear. The department shall suspend the person's driver's license until the department is notified by the court that the person has appeared.

(2) The department shall determine the form of the notice and temporary permit required under subsection (1).

Section 2. Section 61-5-104, MCA, is amended to read:

"61-5-104. Exemptions. (1) The following persons are exempt from licensure under this chapter:

(a) a person who is a member of the armed forces of the United States while operating a motor vehicle owned by or leased to the United States government and being operated on official business;

(b) a person who is a member of the armed forces of the United States on active duty in Montana

1 who holds a valid license issued by another state and the spouse of the person who holds a valid license
2 issued by another state and who is not employed in Montana, except as a member of the armed forces.
3 If a spouse of a member of the armed forces becomes gainfully employed in Montana, the spouse must
4 be licensed, as required by 61-5-102, within 90 days of becoming employed.

5 (c) a person on active duty in the armed forces of the United States and in immediate possession
6 of a valid license issued to that person in a foreign country by the armed forces of the United States, for
7 a period of 45 days from the date of the person's return to the United States;

8 (d) a person who temporarily drives, operates, or moves a road machine, farm tractor, or
9 implement of husbandry for use in intrastate commerce on a highway;

10 (e) a person who is a locomotive engineer, assistant engineer, conductor, brakeman, railroad utility
11 person, or other member of the crew of a railroad locomotive or train being operated upon rails, including
12 operation on a railroad crossing a public street, road, or highway. A person employed as described in this
13 subsection (1)(e) is not required to display a driver's license to a law enforcement officer in connection
14 with the operation of a railroad locomotive or train within Montana.

15 (f) a person who temporarily drives, operates, or moves an off-highway vehicle, as defined in
16 23-2-801, on a forest development road in this state, as defined in 61-8-110, that has been designated
17 and approved for off-highway vehicle use by the United States forest service if the person:

18 (i) is under 16 years of age but at least 12 years of age; and

19 (ii) at the time of driving, operating, or moving the off-highway vehicle, has in the person's
20 possession a certificate showing the successful completion of an off-highway vehicle safety education
21 course approved by the department of fish, wildlife, and parks and is in the physical presence of a person
22 who possesses a license issued under this chapter.

23 (2) A nonresident who is at least 15 years of age and who is in immediate possession of a valid
24 operator's license issued to the nonresident by the nonresident's home state or country may operate a
25 motor vehicle, except a commercial motor vehicle, in this state.

26 (3) A nonresident not otherwise exempt from the licensing requirements of 49 CFR, part 383, and
27 in immediate possession of a valid commercial driver's license issued to the nonresident by the
28 nonresident's home state or country may operate a commercial motor vehicle in this state.

29 (4) A nonresident who is at least 18 years of age, whose home state or country does not require
30 the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than

1 90 days in any calendar year, if the motor vehicle is registered in the home state or country of the
2 nonresident.

3 (5) A driver's license issued under this chapter to a person who enters the United States armed
4 forces, if valid and in effect at the time that the person enters the service, continues in effect ~~so~~ as long
5 as the service continues, unless the license is suspended, revoked, or canceled for a cause as provided
6 by law, and for up to 30 days following the date on which the licensee is honorably separated from the
7 service. During the 30-day period, the license is valid only when the license and the licensee's discharge,
8 separation, leave, or furlough papers are in the licensee's immediate possession.

9 (6) A person who surrenders a valid Montana driver's license in lieu of bail for a motor vehicle
10 violation under [section 1] and who is in possession of a temporary permit issued under [section 1] may
11 temporarily operate a motor vehicle in this state as permitted by [section 1]."

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13 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
14 integral part of Title 46, chapter 9, and the provisions of Title 46, chapter 9, apply to [section 1].

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